



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB4674**

by Rep. Roger L. Eddy

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the School Code. Provides that if a student that is a child of active duty military personnel is (i) placed with a non-custodial parent and (ii) as a result of placement, must attend a different school district, then the student must not be charged the tuition of the school that student attends as a result of placement with the non-custodial parent. Creates the Military Children School Transfer Law to require the State Board of Education to review the initial rulemakings of the Interstate Commission on the Educational Opportunity for Military Children and the Interstate Commission on the Educational Opportunity for Military Children each year thereafter and recommend changes, if necessary, to Illinois law that shall support the removal of barriers to educational success for children of military families in the State. Contains provisions concerning a special power of attorney for children of active duty military personnel. Contains provisions concerning immunization requirements for out-of-State transfer students. With respect to all transfer students, adds provisions to the Code concerning (1) transfer of required courses, (2) pre-requisite courses required for current courses, (3) the transfer of credits, and (4) graduation requirements and accommodations to ensure graduation of a student. Amends the Illinois School Student Records Act to permit all out-of-State transfer students, including children of military personnel that transfer into this State, to use unofficial transcripts for admission to a school until official transcripts are obtained from his or her last school district. Effective immediately.

LRB096 15406 MJR 30569 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section  
5 27-8.1 and by adding Sections 10-20.12c, 22-33, and 27-22.4 and  
6 Article 14D as follows:

7 (105 ILCS 5/10-20.12c new)

8 Sec. 10-20.12c. Tuition for transfer students; children of  
9 active duty members of the military.

10 (a) For purposes of this Section, "active duty military  
11 personnel" means active duty members of the uniformed military  
12 services, including any of the following:

13 (1) members of the National Guard and Reserve that are  
14 on active duty pursuant to 10 U.S.C. 1209 and 10 U.S.C.  
15 1211;

16 (2) members or veterans of the uniformed services who  
17 are severely injured and medically discharged or retired  
18 for a period of one year after medical discharge or  
19 retirement; and

20 (3) members of the uniformed services who die on active  
21 duty for a period of one year after death.

22 (b) If a student that is a child of active duty military  
23 personnel is (i) placed with a non-custodial parent and (ii) as

1 a result of placement, must attend a non-resident school  
2 district, then the student must not be charged the tuition of  
3 the school that the student attends as a result of placement  
4 with the non-custodial parent.

5 (c) For purposes of this Section "non-custodial parent"  
6 means a person that has temporary custody of the child of  
7 active duty military personnel that is responsible for making  
8 decisions for that child.

9 (105 ILCS 5/Art. 14D heading new)

10 ARTICLE 14D. MILITARY CHILDREN SCHOOL TRANSFER LAW

11 (105 ILCS 5/14D-1 new)

12 Sec. 14D-1. Short title. This Article may be cited as the  
13 Educational Opportunity for Military Children School Transfer  
14 Law.

15 (105 ILCS 5/14D-5 new)

16 Sec. 14D-5. Purpose. It is the purpose of this Article to  
17 remove barriers to educational success imposed on children of  
18 military families because of frequent moves and deployment of  
19 their parents by:

20 (1) facilitating the timely enrollment of children of  
21 military families and ensuring that they are not placed at  
22 a disadvantage due to difficulty in the transfer of  
23 education records from the previous school district;

1           (2) facilitating the student placement process through  
2           which children of military families are not disadvantaged  
3           by variations in attendance requirements, scheduling,  
4           sequencing, grading course content, or assessment;

5           (3) facilitating the qualification and eligibility for  
6           enrollment and educational programs;

7           (4) facilitating the on-time graduation of children of  
8           military families; and

9           (5) promoting flexibility and cooperation between the  
10           educational system, parents, and the student in order to  
11           achieve educational success for the student.

12           (105 ILCS 5/14D-10 new)

13           Sec. 14D-10. Findings. The General Assembly finds and  
14           declares that Illinois recognizes that there is created an  
15           Interstate Commission on the Educational Opportunity for  
16           Military Children through the Council of State Governments in  
17           cooperation with the U.S. Department of Defense Office of  
18           Personnel and Readiness for addressing the needs of students in  
19           transition. The Interstate Commission on the Educational  
20           Opportunity for Military Children is a group of member states  
21           who have joined to create identical laws easing the transition  
22           of children of military families.

23           (105 ILCS 5/14D-15 new)

24           Sec. 14D-15. Removal of barriers to education;

1 recommendations by the Board. The State Board of Education  
2 shall review the initial rulemakings of the Interstate  
3 Commission on the Educational Opportunity for Military  
4 Children and recommend changes, if necessary, to Illinois law  
5 that shall support the removal of barriers to educational  
6 success for children of military families in this State. The  
7 State Board of Education shall also review the laws and  
8 rulemakings of the Interstate Commission on the Educational  
9 Opportunity for Military Children each year thereafter and  
10 recommend changes, if necessary, to Illinois law that shall  
11 support the removal of barriers to educational success for  
12 children of military families in Illinois.

13 (105 ILCS 5/22-33 new)

14 Sec. 22-33. Power of attorney for children of active duty  
15 military personnel.

16 (a) For purposes of this Section, "active duty military  
17 personnel" means active duty members of the uniformed military  
18 services, including any of the following:

19 (1) members of the National Guard and Reserve that are  
20 on active duty pursuant to 10 U.S.C. 1209 and 10 U.S.C.  
21 1211;

22 (2) members or veterans of the uniformed services who  
23 are severely injured and medically discharged or retired  
24 for a period of one year after medical discharge or  
25 retirement; and

1           (3) members of the unformed services who die on active  
2           duty for a period of one year after death.

3           (b) A student that has a parent that is active duty  
4           military personnel that must place the student with a  
5           non-custodial parent may submit a special power of attorney to  
6           the school district that authorizes the student (i) to enroll  
7           in the district of the non-custodial parent and (ii) have  
8           decisions made by the non-custodial parent. If a special power  
9           of attorney created pursuant to this Section is filed with the  
10           school district, then the school district must follow the  
11           direction of the special power of attorney.

12           (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

13           Sec. 27-8.1. Health examinations and immunizations.

14           (1) In compliance with rules and regulations which the  
15 Department of Public Health shall promulgate, and except as  
16 hereinafter provided, all children in Illinois shall have a  
17 health examination as follows: within one year prior to  
18 entering kindergarten or the first grade of any public,  
19 private, or parochial elementary school; upon entering the  
20 sixth and ninth grades of any public, private, or parochial  
21 school; prior to entrance into any public, private, or  
22 parochial nursery school; and, irrespective of grade,  
23 immediately prior to or upon entrance into any public, private,  
24 or parochial school or nursery school, each child shall present  
25 proof of having been examined in accordance with this Section

1 and the rules and regulations promulgated hereunder. Any child  
2 who received a health examination within one year prior to  
3 entering the fifth grade for the 2007-2008 school year is not  
4 required to receive an additional health examination in order  
5 to comply with the provisions of Public Act 95-422 when he or  
6 she attends school for the 2008-2009 school year, unless the  
7 child is attending school for the first time as provided in  
8 this paragraph.

9 A tuberculosis skin test screening shall be included as a  
10 required part of each health examination included under this  
11 Section if the child resides in an area designated by the  
12 Department of Public Health as having a high incidence of  
13 tuberculosis. Additional health examinations of pupils,  
14 including eye examinations, may be required when deemed  
15 necessary by school authorities. Parents are encouraged to have  
16 their children undergo eye examinations at the same points in  
17 time required for health examinations.

18 (1.5) In compliance with rules adopted by the Department of  
19 Public Health and except as otherwise provided in this Section,  
20 all children in kindergarten and the second and sixth grades of  
21 any public, private, or parochial school shall have a dental  
22 examination. Each of these children shall present proof of  
23 having been examined by a dentist in accordance with this  
24 Section and rules adopted under this Section before May 15th of  
25 the school year. If a child in the second or sixth grade fails  
26 to present proof by May 15th, the school may hold the child's

1 report card until one of the following occurs: (i) the child  
2 presents proof of a completed dental examination or (ii) the  
3 child presents proof that a dental examination will take place  
4 within 60 days after May 15th. The Department of Public Health  
5 shall establish, by rule, a waiver for children who show an  
6 undue burden or a lack of access to a dentist. Each public,  
7 private, and parochial school must give notice of this dental  
8 examination requirement to the parents and guardians of  
9 students at least 60 days before May 15th of each school year.

10 (1.10) Except as otherwise provided in this Section, all  
11 children enrolling in kindergarten in a public, private, or  
12 parochial school on or after the effective date of this  
13 amendatory Act of the 95th General Assembly and any student  
14 enrolling for the first time in a public, private, or parochial  
15 school on or after the effective date of this amendatory Act of  
16 the 95th General Assembly shall have an eye examination. Each  
17 of these children shall present proof of having been examined  
18 by a physician licensed to practice medicine in all of its  
19 branches or a licensed optometrist within the previous year, in  
20 accordance with this Section and rules adopted under this  
21 Section, before October 15th of the school year. If the child  
22 fails to present proof by October 15th, the school may hold the  
23 child's report card until one of the following occurs: (i) the  
24 child presents proof of a completed eye examination or (ii) the  
25 child presents proof that an eye examination will take place  
26 within 60 days after October 15th. The Department of Public

1 Health shall establish, by rule, a waiver for children who show  
2 an undue burden or a lack of access to a physician licensed to  
3 practice medicine in all of its branches who provides eye  
4 examinations or to a licensed optometrist. Each public,  
5 private, and parochial school must give notice of this eye  
6 examination requirement to the parents and guardians of  
7 students in compliance with rules of the Department of Public  
8 Health. Nothing in this Section shall be construed to allow a  
9 school to exclude a child from attending because of a parent's  
10 or guardian's failure to obtain an eye examination for the  
11 child.

12 (2) The Department of Public Health shall promulgate rules  
13 and regulations specifying the examinations and procedures  
14 that constitute a health examination, which shall include the  
15 collection of data relating to obesity (including at a minimum,  
16 date of birth, gender, height, weight, blood pressure, and date  
17 of exam), and a dental examination and may recommend by rule  
18 that certain additional examinations be performed. The rules  
19 and regulations of the Department of Public Health shall  
20 specify that a tuberculosis skin test screening shall be  
21 included as a required part of each health examination included  
22 under this Section if the child resides in an area designated  
23 by the Department of Public Health as having a high incidence  
24 of tuberculosis. The Department of Public Health shall specify  
25 that a diabetes screening as defined by rule shall be included  
26 as a required part of each health examination. Diabetes testing

1 is not required.

2 Physicians licensed to practice medicine in all of its  
3 branches, advanced practice nurses who have a written  
4 collaborative agreement with a collaborating physician which  
5 authorizes them to perform health examinations, or physician  
6 assistants who have been delegated the performance of health  
7 examinations by their supervising physician shall be  
8 responsible for the performance of the health examinations,  
9 other than dental examinations, eye examinations, and vision  
10 and hearing screening, and shall sign all report forms required  
11 by subsection (4) of this Section that pertain to those  
12 portions of the health examination for which the physician,  
13 advanced practice nurse, or physician assistant is  
14 responsible. If a registered nurse performs any part of a  
15 health examination, then a physician licensed to practice  
16 medicine in all of its branches must review and sign all  
17 required report forms. Licensed dentists shall perform all  
18 dental examinations and shall sign all report forms required by  
19 subsection (4) of this Section that pertain to the dental  
20 examinations. Physicians licensed to practice medicine in all  
21 its branches or licensed optometrists shall perform all eye  
22 examinations required by this Section and shall sign all report  
23 forms required by subsection (4) of this Section that pertain  
24 to the eye examination. For purposes of this Section, an eye  
25 examination shall at a minimum include history, visual acuity,  
26 subjective refraction to best visual acuity near and far,

1 internal and external examination, and a glaucoma evaluation,  
2 as well as any other tests or observations that in the  
3 professional judgment of the doctor are necessary. Vision and  
4 hearing screening tests, which shall not be considered  
5 examinations as that term is used in this Section, shall be  
6 conducted in accordance with rules and regulations of the  
7 Department of Public Health, and by individuals whom the  
8 Department of Public Health has certified. In these rules and  
9 regulations, the Department of Public Health shall require that  
10 individuals conducting vision screening tests give a child's  
11 parent or guardian written notification, before the vision  
12 screening is conducted, that states, "Vision screening is not a  
13 substitute for a complete eye and vision evaluation by an eye  
14 doctor. Your child is not required to undergo this vision  
15 screening if an optometrist or ophthalmologist has completed  
16 and signed a report form indicating that an examination has  
17 been administered within the previous 12 months."

18 (3) Every child shall, at or about the same time as he or  
19 she receives a health examination required by subsection (1) of  
20 this Section, present to the local school proof of having  
21 received such immunizations against preventable communicable  
22 diseases as the Department of Public Health shall require by  
23 rules and regulations promulgated pursuant to this Section and  
24 the Communicable Disease Prevention Act.

25 (4) The individuals conducting the health examination,  
26 dental examination, or eye examination shall record the fact of

1 having conducted the examination, and such additional  
2 information as required, including for a health examination  
3 data relating to obesity (including at a minimum, date of  
4 birth, gender, height, weight, blood pressure, and date of  
5 exam), on uniform forms which the Department of Public Health  
6 and the State Board of Education shall prescribe for statewide  
7 use. The examiner shall summarize on the report form any  
8 condition that he or she suspects indicates a need for special  
9 services, including for a health examination factors relating  
10 to obesity. The individuals confirming the administration of  
11 required immunizations shall record as indicated on the form  
12 that the immunizations were administered.

13 (5) If a child does not submit proof of having had either  
14 the health examination or the immunization as required, then  
15 the child shall be examined or receive the immunization, as the  
16 case may be, and present proof by October 15 of the current  
17 school year, or by an earlier date of the current school year  
18 established by a school district. To establish a date before  
19 October 15 of the current school year for the health  
20 examination or immunization as required, a school district must  
21 give notice of the requirements of this Section 60 days prior  
22 to the earlier established date. If for medical reasons one or  
23 more of the required immunizations must be given after October  
24 15 of the current school year, or after an earlier established  
25 date of the current school year, then the child shall present,  
26 by October 15, or by the earlier established date, a schedule

1 for the administration of the immunizations and a statement of  
2 the medical reasons causing the delay, both the schedule and  
3 the statement being issued by the physician, advanced practice  
4 nurse, physician assistant, registered nurse, or local health  
5 department that will be responsible for administration of the  
6 remaining required immunizations. If a child does not comply by  
7 October 15, or by the earlier established date of the current  
8 school year, with the requirements of this subsection, then the  
9 local school authority shall exclude that child from school  
10 until such time as the child presents proof of having had the  
11 health examination as required and presents proof of having  
12 received those required immunizations which are medically  
13 possible to receive immediately. During a child's exclusion  
14 from school for noncompliance with this subsection, the child's  
15 parents or legal guardian shall be considered in violation of  
16 Section 26-1 and subject to any penalty imposed by Section  
17 26-10. This subsection (5) does not apply to dental  
18 examinations and eye examinations. If the student is an  
19 out-of-State transfer student and does not have the proof  
20 required under this subsection (5) before October 15 of the  
21 current year, then he or she may only attend classes (i) if he  
22 or she has proof that an appointment for the required  
23 vaccinations has been scheduled with a party authorized to  
24 submit proof of the required vaccinations. If the proof of  
25 vaccination required under this subsection (5) is not submitted  
26 within 30 days after the student is permitted to attend

1 classes, then the student is not be permitted to attend classes  
2 until proof of the vaccinations has been properly submitted. No  
3 school district or employee of a school district shall be held  
4 liable for any injury or illness to another person that results  
5 from admitting an out-of-State transfer student to class that  
6 has an appointment scheduled pursuant to this subsection (5).

7 (6) Every school shall report to the State Board of  
8 Education by November 15, in the manner which that agency shall  
9 require, the number of children who have received the necessary  
10 immunizations and the health examination (other than a dental  
11 examination or eye examination) as required, indicating, of  
12 those who have not received the immunizations and examination  
13 as required, the number of children who are exempt from health  
14 examination and immunization requirements on religious or  
15 medical grounds as provided in subsection (8). Every school  
16 shall report to the State Board of Education by June 30, in the  
17 manner that the State Board requires, the number of children  
18 who have received the required dental examination, indicating,  
19 of those who have not received the required dental examination,  
20 the number of children who are exempt from the dental  
21 examination on religious grounds as provided in subsection (8)  
22 of this Section and the number of children who have received a  
23 waiver under subsection (1.5) of this Section. Every school  
24 shall report to the State Board of Education by June 30, in the  
25 manner that the State Board requires, the number of children  
26 who have received the required eye examination, indicating, of

1 those who have not received the required eye examination, the  
2 number of children who are exempt from the eye examination as  
3 provided in subsection (8) of this Section, the number of  
4 children who have received a waiver under subsection (1.10) of  
5 this Section, and the total number of children in noncompliance  
6 with the eye examination requirement. This reported  
7 information shall be provided to the Department of Public  
8 Health by the State Board of Education.

9 (7) Upon determining that the number of pupils who are  
10 required to be in compliance with subsection (5) of this  
11 Section is below 90% of the number of pupils enrolled in the  
12 school district, 10% of each State aid payment made pursuant to  
13 Section 18-8.05 to the school district for such year may be  
14 withheld by the State Board of Education until the number of  
15 students in compliance with subsection (5) is the applicable  
16 specified percentage or higher.

17 (8) Parents or legal guardians who object to health,  
18 dental, or eye examinations or any part thereof, or to  
19 immunizations, on religious grounds shall not be required to  
20 submit their children or wards to the examinations or  
21 immunizations to which they so object if such parents or legal  
22 guardians present to the appropriate local school authority a  
23 signed statement of objection, detailing the grounds for the  
24 objection. If the physical condition of the child is such that  
25 any one or more of the immunizing agents should not be  
26 administered, the examining physician, advanced practice

1 nurse, or physician assistant responsible for the performance  
2 of the health examination shall endorse that fact upon the  
3 health examination form. Exempting a child from the health,  
4 dental, or eye examination does not exempt the child from  
5 participation in the program of physical education training  
6 provided in Sections 27-5 through 27-7 of this Code.

7 (9) For the purposes of this Section, "nursery schools"  
8 means those nursery schools operated by elementary school  
9 systems or secondary level school units or institutions of  
10 higher learning.

11 (Source: P.A. 95-331, eff. 8-21-07; 95-422, eff. 8-24-07;  
12 95-496, eff. 8-28-07; 95-671, eff. 1-1-08; 95-737, eff.  
13 7-16-08; 95-876, eff. 8-21-08.)

14 (105 ILCS 5/27-22.4 new)

15 Sec. 27-22.4. Required courses for transfer students;  
16 pre-requisites; credit transfer; graduation.

17 (a) A student that transfers to a new school district may  
18 transfer into a course to continue credit work for a course  
19 from which the student transferred out of only if the new  
20 school district offers the course and space is available. This  
21 subsection (a) includes courses offered for gifted and talented  
22 children pursuant to Article 14A of this Act and courses for  
23 the English as a Second Language program.

24 (b) The school district of a school may determine if  
25 courses taken by a transfer student at his or her old school

1 satisfy the pre-requisite course requirements for any courses  
2 that the transfer student wishes to take at his or her current  
3 school. The school district may determine a current and future  
4 schedule that is appropriate for the student that satisfies any  
5 pre-requisite course requirements in order for that student to  
6 take any courses that he or she wishes to attend.

7 (c) The school district of a school may work with a  
8 transfer student to determine an appropriate schedule that  
9 assures that the student will graduate, provided that the  
10 possible failure of a student to graduate is not due to  
11 academic failure or failing to schedule classes properly in  
12 order to meet graduation requirements.

13 (d) If a student transfers to a new school district during  
14 his or her senior year and the receiving school district cannot  
15 make reasonable adjustments under this Section to ensure  
16 graduation, then the school district shall make every  
17 reasonable effort to ensure that the school district from where  
18 the student transfers issues the student a diploma.

19 Section 10. The Illinois School Student Records Act is  
20 amended by changing Section 8.1 as follows:

21 (105 ILCS 10/8.1) (from Ch. 122, par. 50-8.1)

22 Sec. 8.1. (a) No school may refuse to admit or enroll a  
23 student because of that student's failure to present his  
24 student permanent or temporary record from a school previously

1 attended.

2 (b) When a new student applies for admission to a school  
3 and does not present his school student record, such school may  
4 notify the school or school district last attended by such  
5 student, requesting that the student's school student record be  
6 copied and sent to it; such request shall be honored within 10  
7 days after it is received. Within 10 days after receiving a  
8 request from the Department of Children and Family Services,  
9 the school district last attended by the student shall send the  
10 student's school student record to the receiving school  
11 district.

12 (c) In the case of a transfer between school districts of a  
13 student who is eligible for special education and related  
14 services, when the parent or guardian of the student presents a  
15 copy of the student's then current individualized education  
16 program (IEP) to the new school, the student shall be placed in  
17 a special education program in accordance with that described  
18 in the student's IEP.

19 (d) Out-of-State transfer students, including children of  
20 military personnel that transfer into this State, may use  
21 unofficial transcripts for admission to a school until official  
22 transcripts are obtained from his or her last school district.

23 (Source: P.A. 87-372.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 105 ILCS 5/10-20.12c new

4 105 ILCS 5/Art. 14D

5 heading new

6 105 ILCS 5/14D-1 new

7 105 ILCS 5/14D-5 new

8 105 ILCS 5/14D-10 new

9 105 ILCS 5/14D-15 new

10 105 ILCS 5/22-33 new

11 105 ILCS 5/27-8.1 from Ch. 122, par. 27-8.1

12 105 ILCS 5/27-22.4 new

13 105 ILCS 10/8.1 from Ch. 122, par. 50-8.1